

UNITED STATES BANKRUPTCY COURT

In re: Zanub Raza

Docket No. 17-14818-FJB

ROMAN BEYLIN

Plaintiff

v.

ZANUB RAZA

Defendant

ADV. PROCEEDING no. 18-01040-FJB

**DISCOVERY CONFERENCE CERTIFICATION AND
WRITTEN REPORT PURSUANT TO FED. R. CIV. PRO 26(f)**

Now come the parties to this action and, by and through their counsel, hereby certify as follows:

Pursuant to paragraph 6 of this Honorable Court's Scheduling and Pretrial Order dated May 15, 2018, the parties hereby state as follows:

- a. A discovery conference has taken place;
- b. The proposed discovery plan is as follows:

Plaintiff's discovery: Plaintiff has noticed the deposition of the Defendant for June 22, 2018. The deposition has not occurred. Plaintiff is trying to work out a new date for such deposition. No agreement has yet been reached. Plaintiff will serve interrogatory requests and Requests for Production of Documents in accordance with present discovery order. Plaintiff has subpoenaed the records of the Defendant's former employer. Plaintiff intends to subpoena the business records of the financial services company that the Plaintiff used as an employee in or around August 2014. Plaintiff also intends to take the deposition of Defendant's former employer. Plaintiff may seek additional depositions of witnesses and may apply to this Honorable Court for leave to take more depositions than the Order currently permits. Defendant's discovery: Defendant will serve Interrogatory Requests and requests for Production of Documents in accordance with the present discovery order. Defendant will subpoena the records of the Plaintiff's former employer. Defendant will take the deposition of the Plaintiff. Defendant will have the device at issue in this case examined by a competent expert, in an effort to narrow the issues in this case. There is pending state court litigation between the parties, the subject matter of which is closely related to the issues raised in this Adversary Proceeding. (Beylin v. Raza, Suffolk Superior Court Docket No. 1784-CV-02373.) The parties have stipulated that any matters discovered in the state court action may be used in this pending Adversary Proceeding.

- c. Plaintiff has complied with the automatic disclosures pursuant to Fed. R. civ. Pro. 26(f)(3).

Defendant will comply with the automatic initial disclosures pursuant to Fed. R. Civ. Pro 26(f)(3) by June 29, 2018. Defendant will provide the identity of Defendant's expert witness after the expert witness has been retained.

- d. Plaintiff's estimated length of trial is three full days. Defendant's estimated length of trial is one day.
- e. The plaintiff seeks a determination of non-dischargeability as to the claim created by the Defendant in favor of the Plaintiff pursuant to 11 U.S.C. §523. Plaintiff consents to such a final determination which the Plaintiff states this Honorable Court has the authority to enter. Defendant consents only to a determination by this Honorable Court of non-dischargeability of Plaintiff's claim pursuant to 11 U.S.C. sec. 523. and does not otherwise consent to the determination by this Honorable Court of other issues pending between the parties.
- f. Neither party has demanded a jury trial;
- g. ESI: The Defendant seeks to examine the Plaintiff's iPad "Tablet" computer. Plaintiff acknowledges the interest of Defendant in such an analysis of the iPad. There is to date no agreement on the identity and qualifications of the Defendant's expert who shall conduct the examination, the scope of such analysis and safeguards to protect personal, proprietary information. It is likely that there shall be an

application for a protective order submitted by the Plaintiff to this Honorable Court concerning the same.

Respectfully submitted,
Plaintiff Roman Beylin
By his counsel,

/s/ Jeffrey S. Baker

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Respectfully submitted,
Defendant Zanub Raza,
by her counsel,

/s/ Edward J. Neville III

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